

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Andrew Green and Shirley Green, as legal)
guardians of N.G. (a minor child) and)
Andreia Samoria Green) Case No. 2:19-cv-00366-RMG
)
Plaintiffs,)
)
v.)
)
Kanye West; Getting Out Our Dreams, II,)
LLC; UMG Recordings, Inc. a/k/a)
Universal Music Group; Def Jam)
Recordings; Cydel Young d/b/a Mr.)
Redan Music a/k/a Mr. Redan; BMG)
Rights Management (US), LLC a/k/a)
BMG Platinum Songs US and John Does)
1-30;)
)
Defendants.)

Plaintiffs are informed the Defendants will assert the common interest doctrine regarding the communications Defendants have shared with third parties. *See In re Grand Jury Subpoenas*, 902 F. 2d 244, 249 (4th Cir. 1990) (Common interest doctrine acts as an exception to waiver of attorney-client privilege). On September 24, 2020, Defendant West posted communications between him, Joel Katz (one of his attorneys), and Jeffrey Harleston, General Counsel and Executive Vice President of Business & Legal Affairs for Defendant UMG. (Exhibit A).¹ According to Harleston: “Due to the pending litigation between [Defendant West] and [Defendant] UMG I have been advised by counsel I cannot engage in a direct conversation with [Defendant West] at this time.” As this prohibition does not appear limited in scope, Defendant West and

¹ Defendant West removed this exchange and replaced it with a cropped version. Both versions are attached as Exhibit A, though Harleston’s mobile phone number has been redacted from the original version.

Defendant UMG cannot be considered to share a common interest in the matters of this action any longer, if they ever did.

Regarding Defendant West's implicit and explicit waiver of privilege on September 16, 2020 (ECF Entry 116 p. 6),² a recent interview with Defendant West in Billboard magazine sheds further light on the intent behind his postings of confidential and privileged matter on Twitter:

Billboard: What inspired you to post your contracts?...

Kanye West: The desired effect will only be achieved when every artist owns their masters. I'm Team "Free Artists." I'm committed to doing whatever is necessary so artists own their own copyrights.

...
Has Universal Music called? What have your conversations with them been like so far?

We are in discussions but I don't want them to just fix my situation. I want this to be about fixing everyone's situation.

...
What's your strategy now?

Free All Artists by any means necessary. **I will work to rip apart the structure we are attached to that pays people for music.**

...

Colin Stutz, *Kanye Speaks: West's Plan to 'Re-Think' the Music Industry*, Billboard.com (September 23, 2020) available at <https://www.billboard.com/articles/business/9454350/kanye-west-speaks-plan-to-re-think-the-music-industry> (last visited September 25, 2020) (emphasis added). Implicit in the goal of "[ripping] apart the structure we are attached to that pays people for music" is the intent to bring to light all transactions and processes contained within the music industry, including sample clearance. Thus, the sample clearance communications contained in Defendants' June 29 privilege log are no longer privileged, if they ever were.

[signature page follows]

² Footnote 9, found on this page, is a typographical error and should be struck.

Dated: 09/25/2020

By: /s/ Jason Scott Luck

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